

FIREARMS DISPOSAL

SD Forensic Laboratory

Policy for Controlled Weapons and Firearms Disposal

Section 23A-37-13 of the SD Codified Law describes "Controlled weapons and firearms disposal". Any controlled weapon or firearm used in violation of chapter 22-14 shall be disposed of as follows:

1. If it is stolen, it shall be returned to the lawful owner upon proof of ownership: or
2. If it is illegal, it shall be destroyed pursuant to law: or
3. If it is neither stolen nor illegal, it shall be delivered to the arresting agency or, at the direction of the Attorney General, to the SD Forensic Laboratory for scientific examination purposes, for lawful use or disposal.

In the case of a disposition pursuant to subdivision (3), the arresting agency or forensic laboratory may use, trade-in, destroy, or sell, as provided in 5-23-32, 5-24-9.2, or 6-13-6, the controlled weapon or firearm.

Also, in the case of a disposition pursuant to subdivision (3), a court order for release to the SD State Forensic Laboratory must accompany all weapons delivered to the lab.

Please list the original offense, date of offense, name of subject, your case number, and full description of each weapon and any other pertinent information to your case.

The NCIC teletype weapons check (or a copy) must also be attached indicating the weapon is not entered into the NCIC system at the time of delivery.

Any weapon which is a biohazard or has been processed for latent fingerprints must be clearly marked with a BIOHAZARD sticker.

A signed BEAST prelog for each case number must accompany the weapons delivery. Request a "NIBIN" exam and "Compliance with SDCL" exam for each weapon.

Source: SL 1983, ch 188, § 2; SL 1998, ch 151, § 1; SL 1999, ch 128, § 2; SL 2006, ch 137, § 1.

Points of Interest:

- Package each weapon in an approved gun box and seal with evidence tape.
- Ammunition is no longer accepted for destruction at the SDFL.

